

panies assenting as aforesaid to the provisions of this act, to consist of two engineers, one to be appointed by each of said companies; and, in any case of disagreement of said engineers, they shall have power to select and appoint a third person or engineer; and, in the event of their not concurring in a selection, they shall report the fact to their respective companies, and such third person shall then be appointed by the Governor of Maryland, at the request of said companies, or of one of them, if the other shall neglect or refuse to unite in such request; and the majority of said three persons shall, in the matter of disagreement aforesaid, have all the power and authority by this act given to said two engineers; and said commissioners shall perform the duties hereinbefore indicated, and shall act as arbitrators, under oath or affirmation, truly and impartially to decide between the parties in all differences that may arise between the said companies, in carrying into operation the plan here contemplated for the construction of said canal and rail road, and their respective appurtenances; and the decision of said commissioners upon all points submitted to them shall be final between the said companies; and in the case of the death, resignation, disqualification, or refusal to act of any one or more of such commissioners, the vacancy so occurring shall be filled by the authority by whom the appointment was originally made: and it shall be the duty of said commissioners, as soon after their appointment and qualification as practicable, to ascertain all the passes of said river where the canal and rail road must, from the nature of the grounds, be brought into contact, and the length of such contact at such passes, respectively, and forthwith to determine upon the plan and mode of the joint construction of said works at said passes, of which plan and mode they shall give notice to the said companies, respectively; and if the said commissioners shall determine that it would be best to have said two works constructed at such passes, or any of them, exclusive of the laying of the rails on said rail road by the same contractor or contractors, and under the same contract, the said commissioners shall have the power, and are hereby required, to determine the proportions of the contract price or prices to be paid by the said companies, respectively, un-